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PATENT

Attorney Docket No. F-5489

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Westberg et al.  
Serial No: 09/389,504  
Filed: September 3, 1999  
For: Blood Separation Systems and Methods Using Multiple Function Pump Station to Perform Different On-Line Processing Tasks

Group Art Unit: 3762  
Examiner: P. Bianco

Commissioner of Patents  
Washington, D.C. 20231

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**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT BEFORE MAILING DATE  
OF EITHER A FINAL ACTION OR NOTICE OF ALLOWANCE (37 CFR 1.97(c))**

- NOTE: "An information disclosure statement shall be considered by the Office if filed ... before the mailing date of either (1) a final action under S 1.113 or (2) a notice of allowance under S 1.311, whichever occurs first, provided the statement is accompanied by either a certification as specified in paragraph (e) of this section or the fee set forth in S 1.17(p)." 37 CFR 1.97(c).
- NOTE: "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes of considering an information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39).
- NOTE: "If information submitted during the period set forth in 37 CFR 1.97(c) with a certification is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office. However, the information submitted with a certification can be used in a new ground of rejection and the next Office action made final, [i]f the new ground of rejection was necessitated by amendment of the application by applicant. Where the information is submitted during this period with a fee, the examiner may use the information submitted, e.g., printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP 706.07(a). If a new ground of rejection is introduced that is neither necessitated by an amendment to the claims nor based on the information submitted with the fee set forth in 37 CFR 1.17(p), the Office action shall not be made final." Notice of April 20, 1992 (1138 O.G. 37-41, 39).
- WARNING: "A PETITION FOR SUSPENSION OF ACTION TO ALLOW APPLICANT TIME TO SUBMIT AN INFORMATION DISCLOSURE STATEMENT WILL BE DENIED AS FAILING TO PRESENT GOOD AND SUFFICIENT REASONS, SINCE 37 CFR 1.97 PROVIDES ADEQUATE RECOURSE FOR THE TIMELY SUBMISSION OF PRIOR ART FOR CONSIDERATION BY THE EXAMINER." NOTICE OF JULY 6, 1992 (1141 O.G. 63).

**TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION  
DISCLOSURE STATEMENT**

1. The information disclosure statement transmitted herewith is being filed AFTER THREE MONTHS OF THE FILING DATE OF THIS NATIONAL APPLICATION OR THE DATE OF ENTRY OF THE NATIONAL STAGE AS SET FORTH IN S 1.491 IN AN INTERNATIONAL APPLICATION OR AFTER THE MAILING DATE OF THE FIRST OFFICE ACTION ON THE MERITS, WHICHEVER EVENT OCCURRED LAST BUT BEFORE THE MAILING DATE OF EITHER:

**CERTIFICATE OF MAILING (37 CFR 1.8a)G**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on 3 June 2002

Judith Dunaway

Signature of Person Signing

Type or Print Name of Person Signing

- (1) a final action under S 1.113 or  
(2) a notice of allowance under S 1.311,  
whichever occurs first.

#### CERTIFICATION OR FEE

2. Accompanying this transmittal is  
(check either A or B below)  
A. ☐ a certification as specified in 37 CFR 1.97(e)  
OR  
B. ☒ the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under S 1.97(c). (\$180.00).

#### FEE PAYMENT

(complete this item, if applicable)

3. Applicant elects the option to pay the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under S 1.97(c) (\$180.00).

Fee due \$ 180.00

#### METHOD OF PAYMENT OF FEE

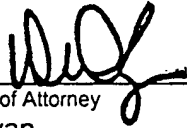
4. ☒ Attached is check in the amount of \$ 180.00  
☐ Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_  
A duplicate of this request is attached.

The submission of any document herewith is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima face* prior art reference against the claims of the present application.

If any additional fees are due, please charge Account No. 06-2360.

Reg. No. 29,243

Telephone No.: (262) 783 - 1300

  
\_\_\_\_\_  
Signature of Attorney  
Daniel D. Ryan  
\_\_\_\_\_  
Type or Print Name of Attorney of Record  
RYAN KROMHOLZ & MANION, S.C.  
Post Office Box 26618  
Milwaukee, Wisconsin 53226  
\_\_\_\_\_  
Mailing Address of Sender

<p>OTHER PRIOR ART CITED BY APPLICANT (Use separate sheets if necessary)</p> <p><i>Part #8</i></p> <p><i>0186</i></p> <p><i>JAN 20 2004</i></p> <p><i>PATENT &amp; TRADEMARK OFFICE</i></p>	ATTY DOCKET NO. <b>F-5489</b>	SERIAL NO. <b>09/389,504</b>
	APPLICANT <b>Westberg et al.</b>	
	FILING DATE <b>09/03/99</b>	GROUP <b>3762</b>

### U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	4,778,451	10/18/88	Kamen			
	4,479,760	10/30/84	Bilstad et al.			
	4,479,762	10/30/84	Bilstad et al.			
	4,808,161	02/28/89	Kamen			
	4,865,584	09/12/89	Epstein et al.			
	5,062,774	11/05/91	Kramer et al.			
	5,088,515	02/18/92	Kamen			
	5,108,367	04/28/92	Epstein et al.			
	5,178,182	01/12/93	Kamen			
	5,193,990	03/16/93	Kamen et al.			
	5,350,357	09/27/94	Kamen et al.			

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### FOREIGN PATENT DOCUMENTS

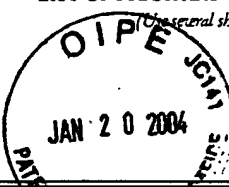
	DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No
	WO98/22165		PCT			
	WO 98/22163		PCT			
	wo 96/40328		PCT			
	WO 95/20985		PCT			
	WO 97/09074		PCT			

### OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

			Therakos Brochure Circa 1998

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this of with next communication to applicant.

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Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	5,421,823	06/06/95	Kamen et al.			
	5,431,626	07/11/95	Bryant et al			
	5,437,624	08/01/95	Langley			
	5,438,510	08/01/95	Bryant et al			
	5,474,683	12/12/95	Bryant et al			
	5,628,908	5/13/97	Kamen et al			
	5,634,896	06/03/97	Bryant et al			
	5,651,766	07/29/97	Kingsley et al			
	5,676,644	10/14/97	Toavs et al			
	5,746,719	05/05/98	Farra et al			
	5,755,683	05/26/98	Houle et al			

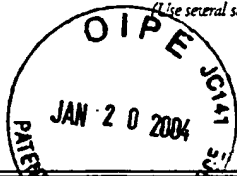
### FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes/No
	WO 97/02059		PCT			
	EP 0771569		EP			
	WO 96/40319		PCT			

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	5,769,811	06/23/98	Stacey et al.			
	5,938,634	08/17/99	Packard			
	5,951,509	09/14/99	Morris			
	6,106,498	08/22/00	Friedli et al			
	5,722,947	03/03/98	Jeppsson et al.			
	4,816,019	03/28/89	Kamen			
	4,077,882	3/7/78	Gangemi			
	4,858,883	8/22/89	Webster			
	6,071,423	6/6/00	Brown et al			
	4,119,120	10/10/78	Mehaffy et al			
	B1 5,344,568	9/7/99	Kitaevich et al			

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Examiner Initial	DOCUMENT NUMBER	Date	Name	RECEIVED JAN 23 2004 TECHNOLOGY CENTER R3700	Filing Date (If Appropriate)
	5,746,708	5/5/98	Giesler et al		
	4,828,543	5/9/89	Weiss et al.		
	4,486,189	12/4/84	Troutner et al.		
	4,479,761	10/30/84	Bilstad et al		
	5,921,951	7/13/99	Morris		
	5,593,290	1/14/97	Greisch et al.		
	4,285,464	8/25/81	Latham Jr.		
	4,776,964	10/11/88	Schoendorfer et al.		
	5,762,791	6/9/98	Deniega et al		
	5,738,796	4/14/98	Bormann et al		
	5,462,416	10/31/95	Dennehey et al.		

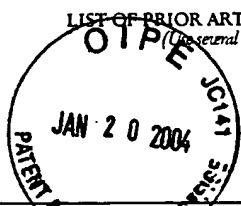
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	5,989,438	11/23/99	Fumiyama			
	5,482,440	1/9/96	Dennehey et al			
	5,871,693	2/16/99	Lindsay			
	5,311,908	5/17/94	Barone et al.			
	5,273,517	12/28/93	Barone et al			
	4,965,846	10/23/90	Williamson IV			
	4,410,341	10/18/83	Edwards et al.			
	3,681,899	8/8/72	Grote			
	5,178,603	1/12/93	Prince			
	4,954,128	9/4/90	Ford			
	4,447,191	5/8/84	Bilstad et al			

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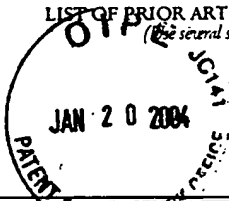
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	4,481,827	11/13/84	Bilstad et al			
	4,526,515	7/2/[85	DeVries			
	5,232,437	8/3/939	Lysaght et al			
	5,588,816	12/31/96	Abbott et al.			
	RE 36,871	9/12/00	Epstein et al			
	5,795,317	8/18/98	Brierton et al.			

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